

MESSAGE NO: 8005113 MESSAGE DATE: 01/05/1998

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/21/1997 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON 3.5 MICRODISKS AND COATED MEDIA FROM JAPAN (A-588-802)

MESSAGE NO: 8005113 DATE: 01 05 1998

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 802 - -

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PERIOD COVERED: 11 21 1997 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING ON 3.5 MICRODISKS AND
COATED MEDIA FROM JAPAN (A-588-802)

1. ON 11/21/97, IN RESPONSE TO A REQUEST BY MAXELL CORPORATION OF AMERICA, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT MAXELL'S OSD325-FLOPTICAL DISK IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING 3.5" MICRODISKS AND COATED MEDIA FROM JAPAN (A-588-802).

2. THE COMMERCE DEPARTMENT DETERMINED THAT MAXELL'S OSD325 FLOPTICAL DISK MERITS A NEGATIVE SCOPE RULING BECAUSE OF A DIFFERENT DRIVE UTILIZED IN RETRIEVING DATA AND THE INHERENT

CHARACTERISTICS OF MAXELL'S OSD325 FLOPTICAL DISK. THEREFORE, MAXELL'S OSD325 FLOPTICAL DISK IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING 3.5" MICRODISKS AND COATED MEDIA FROM JAPAN.

3. EFFECTIVE 11/21/97, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRY SUMMARIES, REGARDLESS OF ENTRY SUMMARY DATE, OF MAXELL'S OSD325 FLOPTICAL DISKS.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE OSD325 LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS

ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRY SUMMARIES OF 3.5" MICRODISKS AND COATED MEDIA FROM JAPAN.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT RUSSELL MORRIS AT 202-482-1167, OF THE OFFICE OF CVD/AD ENFORCEMENT VI, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

NOTE: THIS MESSAGE WAS INADVERTENTLY REMOVED FROM ADIL SO HAS BEEN REPOSTED TO ADIL ON DECEMBER 3, 2009. THE ORIGINAL MESSAGE WAS SENT TO CMC DIRECTORS, PORT DIRECTORS. DIRECTOR, IMPORT OPERATIONS IS NOW SHOWN AS DIRECTOR, SPECIAL ENFORCEMENT. THE BALANCE OF THE TEXT AND INFORMATION REMAINS UNCHANGED AND MATCHES THE MESSAGE THAT STILL APPEARS ON THE ADD/CVD SEARCH APPLICATION ON CBP.GOV.

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party